IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 8679 of 2004

Between:

M/s. Bajrang Infotech Systems Private Ltd., Rep. by its Managing Director, V.V.Subrahmanyam, S/0 V. Kameswara Rao, aged about 35 years, H.NO. 2-2-1129/1, IInd Floor, S2, Venkataraya Apartments,
New Nallakunta, Hyderabad - 44.

..... PETITIONER

AND

1. The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.
2. The Regional Manager, Hyderabad City Region, Jubilee Bus Station Complex,
Picket, Secunderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondents in not renewing the project period for a further period of five years to the petitioner franchise as illegal, arbitrary, contrary to the agreement and violative of principles of natural justice and consequently direct the respondents to continue the petitioner for a further period of five years in the above said "PAAS" project.

Counsel for the Petitioner: MR.T.S.VENKATARAMANA

Counsel for the Respondents: MR. K. HARINATH, Standing Counsel for APSRTC.

The Court made the following:

ORAL ORDER:

Learned counsel for the petitioner seeks to withdraw the writ petition on the ground that a suit was filed for extension of agreement. The writ petitioner, in the first instance, ought to have withdrawn the writ petition and filed the suit. The parties cannot be permitted to prosecute two parallel proceedings in respect of the same relief. In the writ petition as well as in the suit the period only defers, but the prayer is to extend the agreement for a particular period. Hence, permission is granted to withdraw the writ petition.

Accordingly, the writ petition is dismissed as withdrawn with costs quantified at Rs.2,000/- (Rupees Two thousand only).

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25th June, 2004.

*Nsr

Note: Furnish CC in two days.
(BO)

Nsr